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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,593	10/19/2001	Matthew P. Kulig	M-11742 US	6376
7590 06/16/2006				
KOESTNER BERTANI LLP 18662 MACARTHUR BOULEVARD SUITE 400 IRVINE, CA 92612			EXAMINER BURGESS, BARBARA N	
			ART UNIT 2157	PAPER NUMBER

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/037,593

Applicant(s)

KULIG ET AL.

Examiner

Barbara N. Burgess

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-19 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-19 and 21-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

The Office Action is in response to Election/Restriction filed March 24, 2006. Applicant elected Group I consisting of claims 1-3, 5-19, 21-27. These claims are presented for further examination.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5-19, 21-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Rustad et al. (hereinafter "Rustad", US Patent 6,643,717 B1).

As per claim 1, Rustad discloses a system for controlling transmission of data packets through an information network, comprising:

- A Regional Transaction Processor (RTP) (column 2, lines 59-61);
- A data Enabling Device (DED) operable to:
  - a. Receive one or more data packets from the information network  
(column 1, lines 26-30, 37-40, column 2, lines 15-17, column 3, lines 44-46);
  - b. Detect when the one or more data packets include content match

information (column 3, lines 44-52);

- c. Issue a message to a workstation and invoke the RTP to process a transaction when the content match information is detected in the one or more data packets, wherein DED is operable to prevent further transmission of the one of more packets based on the content match information (column 3, lines 54-61, column 4, lines 15-30).

As per claim 2, Rustad discloses the system as set forth in claim 1, wherein the transaction processed is based on the content match information (column 3, lines 40-46).

As per claim 3, Rustad discloses the system, as set forth in claim 1, wherein the DED is operable to detect when the one or more data packets include content match information at a rate proportional to the rate at which the data packets are received (column 2, lines 8-20).

As per claim 5, Rustad discloses the system, as set forth in claim 1, wherein the RTP comprises a network server and a database, and is operable to process transactions for requests for content (column 2, lines 49-60)

As per claim 6, Rustad discloses the system, as set forth in claim 1, wherein the DED is located at a network access point (NAP) (column 2, lines 49-60).

As per claim 7, Rustad discloses the system, as set forth in claim 1, further comprising a plurality of DEDS along a network route, wherein each DED is operable to communicate with at least one of the other DEDS (column 3, lines 6-9).

As per claim 8, Rustad discloses the system, as set forth in claim 7, wherein the plurality of DEDS include a first DED that generates a message and one or more intermediate DEDS operable to forward the message to the DED closest to the workstation along the network route (column 3, lines 35-40).

As per claim 9, Rustad discloses the system, as set forth in claim 7, wherein the plurality of DEDS are operable to communicate with each other to prevent transmitting more than one message for the same data packet through the network route (column 4, lines 23-27).

As per claim 10, Rustad discloses the system, as set forth in claim wherein the RTP transmits a Release Content or Cease-content message to the DED, based on whether the at least one data packet was authorized to be downloaded to the workstation (column 4, lines 30-35).

As per claim 11, Rustad discloses the system, as set forth in claim 1, wherein the DED includes Field Programmable Gate Arrays (FPGAS) (column 2, lines 45-60).

As per claim 12, Rustad discloses the system, as set forth in claim 11, wherein the FPGAS can be reprogrammed over the network to perform a content matching function (column 3, lines 35-53).

As per claim 13, Rustad discloses the system, as set forth in claim 11, wherein a portion of the DED can be dynamically reprogrammed and the DED is operable to continue processing the data packets during the partial reprogramming (column 4, lines 30-43).

As per claim 14, Rustad discloses the system, as set forth in claim 1, further comprising a Central Storage and Backup System (CSBS) operable to communicate with the RTP, to monitor operation of the RTP, and to store transaction information (column 3, lines 44-46).

As per claim 15, Rustad discloses the system, as set forth in claim 14, wherein the CSBS is operable to transmit information to reprogram the DED to communicate with another RTP (column 4, lines 35-43).

As per claim 16, Rustad discloses the system, as set forth in claim 1, further comprising a content matching server operable to store content match information, to communicate with the DED, and to transmit the content match information to the DED (column 4, lines 41-46).

As per claim 17, Rustad discloses the system, as set forth in claim 1, wherein the DED is operable to suspend transmission of the data packets through the information network until a response to a prompt is received (column 3, lines 35-41).

As per claim 18, Rustad discloses a method, an apparatus, and a computer program product for controlling transmission of identifiable content over an information network, comprising:

- Providing content match information for the content to a DED, wherein the DED is located in the information network along a transmission path of a plurality of data packets, wherein at least one data packet includes the content match information (column 3, lines 44-48);
- Receiving the at least one data packet in the DED (column 3, lines 60-64);
- Detecting the content match information in the at least one data packet in the DED (column 4, lines 14-18);
- Issuing a prompt to a workstation based on the content match information when the content match information is detected in the at least one data packet (column 4, lines 23-33).

As per claim 19, Rustad discloses the method, an apparatus, and a computer program product as set forth in claims 18 and 28, wherein the prompt is based on the content match information (column 4, lines 35-42).

As per claim 21, Rustad discloses the method, an apparatus, and a computer program product as set forth in claims 18, 28, 36, further comprising: processing a transaction based on a user's response to the prompt (column 4, lines 40-46).

As per claim 22, Rustad discloses the method, an apparatus, and a computer program product as set forth in claims 18, 28, 36, further comprising transmitting a message among a plurality of DEDS along the transmission path to prevent transmitting more than one prompt for the same data packet (column 4, lines 50-60).

As per claim 23, Rustad discloses the method, an apparatus, and a computer program product as set forth in claims 18, 28, 39, further comprising: processing a transaction based on the content match information, and transmitting a Release Content or Cease Content message to the DED based on whether content was authorized to be downloaded to the workstation during the transaction (column 4, lines 30-40).

As per claim 24, Rustad discloses the method, an apparatus, and a computer program product as set forth in claims 18, 28, further comprising: reprogramming a portion of the DED to detect different content match information (column 3, lines 60-67).

As per claim 25, Rustad discloses the method, an apparatus, and a computer program product as set forth in claims 18, 28, further comprising suspending transmission of the



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at least one data packet through the information network until a response to the prompt is received (column 4, lines 25-33).

As per claim 26, Rustad discloses a computer program product comprising:  
program instructions to implement the method of claim 18 (column 3, lines 44-48, 60-64, column 4, lines 14-18, 23-33).

As per claim 27, Rustad discloses a data signal comprising:  
program instructions to implement the method of claim 18 (column 3, lines 44-48, 60-64, column 4, lines 14-18, 23-33).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N. Burgess whose telephone number is (571) 272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Barbara N Burgess  
Examiner  
Art Unit 2157

June 11, 2006

  
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